

219. Misbranding of Vegetable Cancer Compound. U. S. v. Richard A. Mason. Plea of guilty. Fine, \$525 of which \$500 was suspended. Defendant placed on probation for 3 years. (F. D. C. No. 933. Sample Nos. 78418-D, 80901-D.)

The label of this product bore false and misleading representations regarding its efficacy in treatment of the conditions indicated below.

On August 20, 1940, the United States attorney for the Southern District of New York filed an information in 2 counts charging Richard A. Mason, Chatham, N. Y., with shipment on or about July 1 and September 9, 1939, from the State of New York into the States of Pennsylvania and Ohio, of quantities of Vegetable Cancer Compound which was misbranded.

Analysis showed that the article consisted essentially of extracts of plant drugs including a laxative drug, sugars, alcohol, and water.

Misbranding was alleged in that representations in the labeling that the article was a vegetable cancer compound; was effective for cancer, tumor, ulcer, and all blood diseases; and that by purifying the blood, the drug would assist nature to throw off impurities together with the design of a monogram containing the letters "V C C" on the labels, were false and misleading in that they represented that the article would produce beneficial results in persons suffering from cancer, tumor, ulcer, and all blood diseases by purifying the blood and assisting nature to throw off impurities; whereas it was not efficacious for such purposes.

On August 28, 1940, a plea of guilty was entered by the defendant and the court imposed a fine of \$25 on the first count and \$500 on the second count. Payment of the fine on the second count was suspended and defendant was placed on probation for 3 years.

220. Misbranding of Witsells Chocolate Quinine. U. S. v. 97 Bottles of Witsells Chocolate Quinine. Default decree of condemnation and destruction. (F. D. C. No. 1631. Sample No. 5426-D.)

The labeling of this product bore representations regarding its efficacy in the treatment of malaria, chills, and gripe; whereas it contained no ingredients of value as a treatment for gripe and did not provide a sufficient amount of quinine in the dosage recommended to constitute an adequate treatment for malaria or chills.

On March 14, 1940, the United States attorney for the Northern District of Alabama filed a libel against 97 bottles of Witsells Chocolate Quinine at Gadsden, Ala., alleging that the article had been shipped in interstate commerce on or about November 13, 1937, by Witsell Bros.-Dean Lilly Co. from Memphis, Tenn.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of quinine sulfate (1.8 grains per 100 cc.) water, sugar, chocolate flavoring, and alcohol (4 percent).

It was alleged to be misbranded in that its labeling bore representations that it was efficacious as a treatment for symptoms of malaria, chills, and gripe and that the dose was 1 to 2 teaspoonfuls followed by water, which were false and misleading since it was not efficacious for the purposes recommended.

On July 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

221. Misbranding of Healo Salve. U. S. v. 118 Retail Packages of Healo Salve. Default decree of condemnation and destruction. (F. D. C. No. 1799. Sample No. 10793-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in conditions indicated hereinafter. The net weight also was less than declared.

On April 12, 1940, the United States attorney for the Southern District of New York filed a libel against 118 retail packages of Healo Salve at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 8, 1940, from Springfield, Mass., by the Ericka Co.; and charging that it was misbranded. It was labeled in part: "The Magic Salve Healo * * * Net Weight 1½ oz. when packed."

Analysis showed that the article consisted essentially of petrolatum and volatile oils including oil of peppermint, thymol, camphor, and eucalyptol.

Misbranding was alleged in that representations in the labeling of the article regarding its efficacy in the treatment of headache, neuralgia, catarrh, toothache, congested lungs, pneumonia, rheumatic pains, stiff joints, swellings, asthma, hacking cough, sores, piles, hay fever, and eczema, were false and misleading

since the article was not efficacious for the purposes so recommended. It was alleged to be misbranded further in that the representation in the labeling that the tins contained 1 $\frac{3}{8}$ ounces was false and misleading since it was incorrect, and in that it did not bear an accurate statement of the quantity of the contents.

On May 2, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

222. Misbranding of Hannon's Rub. U. S. v. 5 Dozen 1-Ounce Packages and 2 $\frac{1}{2}$ Dozen 2-Ounce Packages of Hannon's Rub. Default decree of condemnation and destruction. (F. D. C. No. 1989. Sample No. 9563-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the treatment of the conditions indicated below. The cartons were unnecessarily large, the 1-ounce bottle occupying approximately 32 percent, and the 2-ounce bottle occupying approximately 38 percent of the capacity of the carton.

On May 21, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against the above-named quantities of Hannon's Rub at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about April 29, 1940, by Hannon's Medicines, Inc., from Brookhaven, Miss.; and charging that it was misbranded.

Analysis showed that the article was a 2-layer liquid consisting essentially of camphor, soap, chloroform, water, and alcohol.

Misbranding was alleged in that the labeling bore representations that the article was efficacious in the treatment of rheumatism, arthritis, neuritis, croup, coughs, laryngitis, chest colds, paroxysms due to asthma, menstrual colic, sciatica, bursitis, arthritis of all the joints, lumbago, and backache; that it would relieve severe sprain, headache, neuralgia or rheumatism; that for chest colds it should be rubbed on the chest covering the entire area from throat to waist followed immediately with an application covering the entire back from neck to waist; that it would be efficacious in the treatment of stiff muscles and painful joints accompanying rheumatism, lumbago, and neuralgia; and that applied by rubbing on the chest, throat, and upper part of back it would be helpful in paroxysms due to asthma, which representations were false and misleading since the article was not efficacious for the purposes so recommended.

It was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading.

On June 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

223. Misbranding of Premek 33. U. S. v. 24 Small-Sized Packages and 24 Medium-Sized Packages of Premek 33. Default decree of condemnation and destruction. (F. D. C. No. 1348. Sample Nos. 83455-D, 83456-D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter. Moreover, both-sized cartons were considerably larger than were required to hold the tube and circular.

On January 13, 1940, the United States attorney for the District of Oregon filed a libel against 48 packages of Premek 33 at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about September 25 and November 13, 1939, by H. K. Patch Co. from Los Angeles, Calif.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of sulfur, magnesium hydroxide, water, and a small quantity of a phenolic product. It had a pronounced odor of sulfides.

The article was alleged to be misbranded in that representations in the labeling regarding its use for ringworm, barber's itch, impetigo, body skin irritations, facial eruptions, pimples and enlarged pores, scalp irritation, soft corns, and ingrown nails (when infected); and representations that it would relieve promptly pruritis and "itching caused by pruritis," would stop body perspiration, would accomplish the destruction of parasites, organisms, and fungus spores, which cause superficial skin irritations by releasing a vapor into the pores of the skin, that this vapor was generated when the active ingredients of the product combined with the oxygen of the air and that such combination is promoted by the body heat; that it was deadly to microscopic organisms, would relieve skin irritations, and was practically odorless, also appearing in the labeling, were false and misleading. Further misbranding was alleged in